

Message

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**From:** Messina, Edward [Messina.Edward@epa.gov]  
**Sent:** 1/8/2021 10:34:13 PM  
**To:** Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]  
**CC:** O'Neill, Sandra [ONeill.Sandra@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]  
**Subject:** RE: OCSPP Speaking Request: Joint OECA/OCSPP call Monday Regions/States re: PFAS in Pesticides for Mosquito treatment

I'm talking with Alex this evening.

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Ed Messina, Esq.  
Acting Office Director  
Office of Pesticide Programs  
Office of Chemical Safety & Pollution Prevention  
U.S. Environmental Protection Agency  
Washington, D.C.  
p: (703) 347-0209

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**From:** Nesci, Kimberly <Nesci.Kimberly@epa.gov>  
**Sent:** Friday, January 08, 2021 2:47 PM  
**To:** Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>  
**Cc:** O'Neill, Sandra <ONeill.Sandra@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>  
**Subject:** RE: OCSPP Speaking Request: Joint OECA/OCSPP call Monday Regions/States re: PFAS in Pesticides for Mosquito treatment

This seems to have changed based on the call between Alex and Clarke earlier today. Ed & Mike, what do you think?

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**From:** Picone, Kaitlin <Picone.Kaitlin@epa.gov>  
**Sent:** Friday, January 8, 2021 1:01 PM  
**To:** Messina, Edward <Messina.Edward@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>  
**Cc:** O'Neill, Sandra <ONeill.Sandra@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>  
**Subject:** RE: OCSPP Speaking Request: Joint OECA/OCSPP call Monday Regions/States re: PFAS in Pesticides for Mosquito treatment

For awareness, below is the draft message going out with the calendar invite—please let me know if OPP has any concerns. Also OECA seems open to moving to Tuesday to allow a bit more prep time—let me know if that's the preference.

Thanks,  
Kaitlin

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This meeting is to discuss imminent enforcement actions related to PFAS that has been detected in a pesticide in wide use for mosquito control in Region 1. The Ft. Meade lab sampled over the holidays and the data appears to indicate PFAS is leaching from plastic containers into the pesticide. We understand that one product is registered in over 20 states, but there may be more. Attached please find important background information for this meeting, including a chronology of events.

OECA is planning to issue a SSURO and a TSCA Subpoena next week. This requires coordination with all 10 Regions and their member States on an appropriate response and communication strategy. OECA and OCSPP will lead this joint call with ECAD, ORC, and LCARD. A separate call with State co-regulators is planned for Monday afternoon. If you are unable to attend this meeting, please assign a delegate to participate in your absence.

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**From:** Messina, Edward <Messina.Edward@epa.gov>

**Sent:** Friday, January 8, 2021 12:22 PM

**To:** Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>

**Cc:** O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

**Subject:** RE: OCSPP Speaking Request: Joint OECA/OCSPP call Monday Regions/States re: PFAS in Pesticides for Mosquito treatment

Thanks. Some background on the Enviro testing and letter would help as a timeline. Greg's shop has some of that in their Q&A document.

Ed

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**From:** Nesci, Kimberly <Nesci.Kimberly@epa.gov>

**Sent:** Friday, January 08, 2021 12:20 PM

**To:** Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>

**Cc:** O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

**Subject:** RE: OCSPP Speaking Request: Joint OECA/OCSPP call Monday Regions/States re: PFAS in Pesticides for Mosquito treatment

Yes, and I think the talking points provided for Alex's meeting with OECA get us 95% there on the lab work. Anyone, is there anything else you think we should add on the lab stuff?

## Ex. 5 Deliberative Process (DP)

# Ex. 5 Deliberative Process (DP)

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**From:** Picone, Kaitlin <[Picone.Kaitlin@epa.gov](mailto:Picone.Kaitlin@epa.gov)>

**Sent:** Friday, January 8, 2021 11:44 AM

**To:** Aubee, Catherine <[Aubee.Catherine@epa.gov](mailto:Aubee.Catherine@epa.gov)>

**Cc:** Nesci, Kimberly <[Nesci.Kimberly@epa.gov](mailto:Nesci.Kimberly@epa.gov)>; O'Neill, Sandra <[ONeill.Sandra@epa.gov](mailto:ONeill.Sandra@epa.gov)>; Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Goodis, Michael <[Goodis.Michael@epa.gov](mailto:Goodis.Michael@epa.gov)>

**Subject:** RE: OCSPP Speaking Request: Joint OECA/OCSPP call Monday Regions/States re: PFAS in Pesticides for Mosquito treatment

No I will follow up. I'd offer to assist on points, but given the technical nature of these and shortness on time, I'm not sure that would be helpful. Is BEAD best suited to take the lead given the lab's involvement?

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**From:** Aubee, Catherine <[Aubee.Catherine@epa.gov](mailto:Aubee.Catherine@epa.gov)>

**Sent:** Friday, January 8, 2021 11:14 AM

**To:** Picone, Kaitlin <[Picone.Kaitlin@epa.gov](mailto:Picone.Kaitlin@epa.gov)>

**Cc:** Nesci, Kimberly <[Nesci.Kimberly@epa.gov](mailto:Nesci.Kimberly@epa.gov)>; O'Neill, Sandra <[ONeill.Sandra@epa.gov](mailto:ONeill.Sandra@epa.gov)>; Messina, Edward <[Messina.Edward@epa.gov](mailto:Messina.Edward@epa.gov)>; Goodis, Michael <[Goodis.Michael@epa.gov](mailto:Goodis.Michael@epa.gov)>

**Subject:** RE: OCSPP Speaking Request: Joint OECA/OCSPP call Monday Regions/States re: PFAS in Pesticides for Mosquito treatment

Thanks, Kaitlin. Did you get a response on this? Who will hold the pen on OCSPP talking points? I'm thinking the BEAD work will be helpful to highlight.

Best,  
Catherine

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**From:** Picone, Kaitlin <Picone.Kaitlin@epa.gov>  
**Sent:** Friday, January 08, 2021 9:24 AM  
**To:** Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>  
**Cc:** Mosby, Jackie <Mosby.Jackie@epa.gov>; Gray, Shawna <Gray.Shawna@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; O'Neill, Sandra <O'Neill.Sandra@epa.gov>  
**Subject:** OCSPP Speaking Request: Joint OECA/OCSPP call Monday Regions/States re: PFAS in Pesticides for Mosquito treatment

Morning Carol Ann & Ed-

I wanted to alert you that Beth Garcia has looped us in on an OECA/regional call being scheduled for Monday regarding the upcoming (1/13) SSURO for a Clarke mosquitocide product and associated TSCA subpoena related to PFAS. Per Beth's note, the focus is on OECA's role, but a discussion of OCSPP's participation to date would be helpful. RD & BEAD are coordinating talking points. Could Alex or Rick be available to speak for OCSPP?

We will schedule a call with SFIREG to follow once the call with regions is scheduled.

Thanks,  
Kaitlin

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**From:** Garcia, Beth <garcia.beth@epa.gov>  
**Sent:** Thursday, January 7, 2021 7:09 PM  
**To:** Picone, Kaitlin <Picone.Kaitlin@epa.gov>  
**Cc:** Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>  
**Subject:** RE: Joint OECA/OCSPP call next week with Regions/States re: PFAS in Pesticides for Mosquito treatment

Kaitlin:

Pressed send too quick. While the primary goal of the call is to discuss the SSURO/TSCA subpoena related to PFAS, it would also be helpful to know what OCSPP's portion of the call would cover, e.g. how this issue was discovered, the lab results and potential next steps?

Thanks,  
Beth

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**From:** Garcia, Beth  
**Sent:** Thursday, January 07, 2021 6:58 PM  
**To:** Picone, Kaitlin <Picone.Kaitlin@epa.gov>  
**Cc:** Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>  
**Subject:** Joint OECA/OCSPP call next week with Regions/States re: PFAS in Pesticides for Mosquito treatment  
**Importance:** High

Hi Kaitlin:

Mike Bellot from OECA has reached out to me and OECA's Lead Region Coordinators (LRCs) (Joe Wilwerding/Abby Dean) to coordinate a joint OECA/OCSPP call for the regions and states next week because they are planning on issuing a Stop Sale, Use or Removal Order (SSURO) to Clarke company, who provides Anvil, and a TSCA Subpoena next Wednesday, 1/13/21. I've attached a 1-pager and email chain from OECA for background.

OECA would like to have a joint call next week on Monday (1/11) (pending speaker availability), led by OECA and OCSPP for the Regional Directors Land, Chemicals and Redevelopment Division (LCRD), Enforcement Compliance Assurance Division (ECAD) and Office of Regional Councils (ORC) with all 10 Regions and the states next week. Susan Bodine asked

whether it would be possible to have the call with the Regions in morning and the States in the afternoon of the same day to streamline the communication.

Currently OECA's LRCs are taking the lead on coordinating the regional call with my feedback. Would your group be able to coordinate the States call with SFIREG?

Who would be able to speak for the OCSPP portion of the regional and state calls?

Thank you for your assistance! Please let me know if you have any questions.

Sincerely,  
Beth



Beth Garcia  
Office of Chemical Safety & Pollution Prevention  
Lead Region Coordinator  
U.S. EPA Region 3 | Philadelphia, PA  
(215) 814-5243 | [garcia.beth@epa.gov](mailto:garcia.beth@epa.gov)

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**From:** Bellot, Michael <[Bellot.Michael@epa.gov](mailto:Bellot.Michael@epa.gov)>  
**Sent:** Thursday, January 07, 2021 2:56 PM  
**To:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>; Garcia, Beth <[garcia.beth@epa.gov](mailto:garcia.beth@epa.gov)>; Bohan, Suzanne <[bohan.suzanne@epa.gov](mailto:bohan.suzanne@epa.gov)>  
**Cc:** Saenz, Diana <[Saenz.Diana@epa.gov](mailto:Saenz.Diana@epa.gov)>; Miles, James <[miles.james@epa.gov](mailto:miles.james@epa.gov)>; Teter, Royan <[Teter.Royan@epa.gov](mailto:Teter.Royan@epa.gov)>  
**Subject:** RE: PFAS in Pesticides for Mosquito treatment

Joe

Thanks – that sounds like a great plan!

Also, we talked with Susan earlier today and she asked whether we could possibly talk with the Regions in the morning and States in the afternoon of the same day to try to streamline the communication. Although, I am not exactly sure how the coordination with our State co-regulators works in this type of situation. I heard this is something that is done more routinely on the Program side, so perhaps Beth has some insight here?

I suspect we will get some pretty hard questions both internally and externally about why it took so long, what we know and the plan forward. We will likely be in the position of saying we are still working on that aspect. We are coordinating with the OCSPP on Q's and A's and press, but I fear it may be done just in time and many people will not be satisfied with the responses.

I am fine with you pulling together the email from the materials, setting up the meeting and framing the ask. We are sprinting around here in a lot of directions right now.

As always, many thanks!

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**From:** Wilwerding, Joseph <[Wilwerding.Joseph@epa.gov](mailto:Wilwerding.Joseph@epa.gov)>  
**Sent:** Thursday, January 7, 2021 2:19 PM  
**To:** Bellot, Michael <[Bellot.Michael@epa.gov](mailto:Bellot.Michael@epa.gov)>; Dean, Abigail <[Dean.Abigail@epa.gov](mailto:Dean.Abigail@epa.gov)>; Garcia, Beth <[garcia.beth@epa.gov](mailto:garcia.beth@epa.gov)>; Bohan, Suzanne <[bohan.suzanne@epa.gov](mailto:bohan.suzanne@epa.gov)>

**Cc:** Saenz, Diana <Saenz.Diana@epa.gov>; Miles, James <miles.james@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>

**Subject:** RE: PFAS in Pesticides for Mosquito treatment

Hi Mike, the feedback from a couple of Regional ECAD Directors is a joint call, led by OECA and OCSPP, for LCARDs, ECADs and ORCs would be a great idea. It sounds like some of the ECAD Directors are working in lock-step with their LCARD Directors. Does a joint call sound good to you?

If so, then next steps would seem to be:

- Joe/Abby work with Beth to get a date/time selected soonest.
- Distribute an email to all the parties with your talking points to tee-up the meeting
  - Mike draft the email? Or would you prefer we take a stab based on the below and send to you for review?
  - Beth and Abby/Joe distribute to our communities
  - Beth or Abby or Joe send the actual meeting invitation (from one source)

Let us know on the larger, joint-meeting question and any of the next steps when you can. Thanks,  
Joe

## Joe Wilwerding

OECA Lead Region Coordinator  
USEPA Region 8, Enforcement and Compliance Assurance Division  
1595 Wynkoop Street, Denver, CO 80202-1129  
O: 303-312-6729, C: 720-892-8392, [wilwerding.joseph@epa.gov](mailto:wilwerding.joseph@epa.gov)

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**From:** Bellot, Michael <Bellot.Michael@epa.gov>

**Sent:** Thursday, January 7, 2021 10:05 AM

**To:** Wilwerding, Joseph <Wilwerding.Joseph@epa.gov>; Dean, Abigail <Dean.Abigail@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>

**Cc:** Saenz, Diana <Saenz.Diana@epa.gov>; Miles, James <miles.james@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>

**Subject:** PFAS in Pesticides for Mosquito treatment

Abby/Joe

I hope you are well and thriving.

# Ex. 5 Attorney Client (AC)

Oh, happy New Year...